

**R E M A R K S**

Careful review and examination of the subject application are noted and appreciated.

**SUPPORT FOR THE CLAIM AMENDMENTS**

Support for the claim amendments may be found in the specification, for example, on page 8 lines 8-15, page 10 lines 25-26 and FIGS. 1 and 2, as originally filed, and page 8 bottom paragraph and FIG. 8 of the October 17, 2005 amendment. Thus, no new matter has been added.

**DOUBLE PATENTING**

The rejection of claims 48, 50-52, 59, 61, 75-79 and 81-84 under the judicially created doctrine of obviousness-type double patenting has been obviated by the attached terminal disclaimer and should be withdrawn.

**PRIORITY**

Applicants' representative respectfully requests that the objection to the priority be held in abeyance until the claims are ready for allowance.

**CLAIM OBJECTIONS**

The objections to claims 96, 100, 104, 108 and 112 have been obviated by amendment and should be withdrawn.

**CLAIM REJECTIONS UNDER 35 U.S.C. §103**

The rejection of claims 48, 50-52, 55-62, 64, 65, 68-79, 81-84, and 96-122 under 35 U.S.C. §103(a) as being unpatentable over Bro '418 in view of Benton et al. '325 (hereafter Benton) and Jefferson '604 has been obviated in part by amendment, is respectfully traversed in part, and should be withdrawn.

Bro concerns a method for mediating social and behavioral processes in medicine and business through an interactive telecommunications guidance system (title). Benton concerns an apparatus for carrying out financial transactions via a facsimile machine (title). Jefferson concerns an optical isolation circuit for bidirectional communication lines.

In contrast, the present invention provides a blood glucose monitoring system for monitoring a blood glucose level and for providing health-related information. The system generally comprises (a) a display device, (b) an audio speaker, (c) a processor, (d) at least one built-in memory, (e) at least one physiological data monitor, (f) an interface device and (g) an input device. The display device may include a display screen which displays the blood glucose level as measured. The processor may be configured to provide audio and visual signals to the audio speaker and display device respectively. The built-in memory may include read-only digital memory (ROM) or writeable digital memory (RAM), or both, having stored therein operation data and operation software routines for (i) controlling the blood glucose monitoring system; (ii) comparing the blood glucose level as measured with stored measurements; (iii) performing one or more further processing functions in response to the comparing; (iv) connecting to a remotely located computer via a communication network in response to receiving a network address of the remotely located computer from a removable memory card attached to the system, wherein (a) the network address identifies the remotely located computer within the communication network and (b) the remotely located computer is located distant from the processor and (v) receiving the health-related information via the communication network from the remotely located computer. The physiological data monitor may be configured to (i) provide a measurement signal representative of a physiological parameter of a user and (ii)

reside outside a first housing containing said processor. The interface device may be coupled between the processor and the physiological data monitor to at least isolate electrically the physiological data monitor from the processor while coupled therebetween. The electrically isolating interface device being not entirely disposed within any housing containing the processor. The input device may be in communication with the processor and configured to (i) receive an input from the user, (ii) enable the user to (1) make selections and (2) control one or more user functions of the blood glucose monitoring system and (iii) provide a control signal to the processor based upon the input, thereby to cause the health related information to be provided to the user based upon the measurement signal representative of the blood glucose level and the control signal, the physiological parameter including the blood glucose level and the physiological data monitor including a blood glucose indicator. In contrast, none of the proposed combinations of the references appear to include all of the claim limitations for the following reasons.

Claims 48, 51, 62, 75 and 81 are independently patentable over the cited references. Claim 48 provides (d) at least one built-in memory having stored therein operation data and operation software routines for (iv) connecting to a remotely located computer via a communication network in response to receiving a network address of the remotely located computer from a removable memory card, the network address identifying the remotely located computer within the communication network and the remotely located computer being located distant from the processor. Claims 51, 62, 75 and 81 provide similar language. The Office Action states that column 14 lines 42-55 of Bro teach a database 12 allegedly similar to the claimed remotely located computer. In contrast, the cited text of Bro describes the database 12 as a CD player, a hard disk, a tape cartridge player or an optical disc playback unit. None of

these devices would appear to be a computer in communication with the computer 16 of Bro across a communication network. None of the database 12 type devices of Bro appear to have a network address that allows it to be identified within the communication network. Furthermore, all of the devices connected to the computer 16 of Bro are usually located near or in the computer 16. Nothing in Bro appears to teach that the database 12 is located distant from the computer 16. The other references do not cure these deficiencies. Therefore, the proposed combination does not include all of the claimed limitations.

Claim 48 further provides (d) that operation data and operation software routines are also for (ii) comparing the blood glucose level as measured with stored measurements. Claims 51, 62, 75 and 81 provide similar language. The Office Action states that column 14 lines 50-56 of Bro allegedly teaches a similar comparison. In contrast, the cited text of Bro is silent regarding any comparison of measured data with stored measurements. Therefore, the proposed combination does not include all of the claimed limitations.

In particular, column 14 lines 42-56 of Bro read:

The patient or employee database 12 in the preferred embodiment consists of a compact disc (CD) recording that is played back on a CD player that interfaces with the computer 16 as shown in FIG. 1. However, other database recording and playback units can also be used. By way of example but not of limitation, these units include but are not limited to hard disks or other random access memory devices or a tape cartridge that is played back to the computer by means of a tape cartridge player or an optical disc and optical disc playback unit. The patient, client or employee database includes for each patient or employee 50, the patient's, client's or employee's name, their calling schedule by week, day and time, each patient's or employee's personal identification number (PIN), and previous history of messages received and response profiles.

Nowhere in the above text, or in any other section does Bro appear to mention comparing a blood glucose level as measured with stored measurements. The other references do not cure this deficiency. Therefore, the proposed combination does not include all of the claimed limitations.

Claim 48 further provides that (d) the operation data and operation software routines are also for (iii) performing one or more further processing functions **in response to the comparing**. Claims 51, 62, 75 and 81 provide similar language. The Office Action states that column 14 lines 60-67 of Bro allegedly teach the further processing functions in response to the comparing. In contrast, the cited text of Bro is silent regarding any processing in response to comparing blood glucose levels as measured with stored measurements. Therefore, the proposed combination does not include all of the claimed limitations.

In particular, Bro column 14 lines 57-67 read:

The patient, client or employee program 14 in the preferred embodiment, is also recorded and played back by a CD player or other recording and/or playback units, as described above for the patient, client or employee database 12, and is connected to the computer 16 and to the telecommunications network 24 as shown in FIG. 1. The patient or employee program 14 is especially designed to serve a plurality of specific patients or employees. The program 14 can include as many motivational and reinforcement messages as are necessary to help with a specific behavioral problem.

Nowhere in the above text, or in any other section does Bro appear to mention processing in response to comparing blood glucose level as measured with stored measurements. The other references do not

cure these deficiencies. Therefore, the proposed combination does not include all of the claimed limitations. As such, the claimed invention is fully patentable over the cited references and the rejections should be withdrawn.

Claims 50, 64 and 84 are independently patentable over the cited references. Claim 50 provides that the interface device includes (a) a signal receiver for receiving the measurement signal representative of the blood glucose level **from the at least one physiological data monitor**, (b) a converter for converting the measurement signal as received into a form acceptable to the processor and (c) a processor controller for controlling the processor. Claims 64 and 84 provide similar language. The Office Action asserts that (a) an interactive television 44 or computer 16 of Bro is similar to the claimed signal receiver, (b) the optical isolation circuit of Jefferson is similar to the claimed converter, (c) the list of component areas that the patient or employee program may be directed to in column 11 lines 20-50 of Bro is similar to the claimed processor controller and (from claim 48) the digital/telephone tone signal converter 18 and/or telephone network 24 of Bro is similar to the claimed interface device. In contrast, the cited text (a) of Bro is silent regarding the interactive television system 44 receiving a measurement signal from the EEG measuring & recording device 46. Further regarding the cited text (a) of Bro, the computer 16 cannot be both the claimed processor

and the claimed signal received within the claimed interface device at the same time. The cited text (c) of Bro does not include any device in the digital/telephone tone signal converter 18 and/or telephone network 24 that is capable of controlling the computer 16. The other references do not cure these deficiencies. Therefore, the claims are fully patentable over the cited references and the rejections should be withdrawn.

Regarding claims 98, 102, 106, 110 and 114, the interactive videodisk system 54 of Bro does not teach that the blood glucose monitoring system is configured for downloading particular information obtained from the user to a separate computer, as alleged in the rejection. Bro, Benton and Jefferson, individually and as a whole, are silent regarding a blood glucose monitoring system configured for downloading particular information obtained from the user to a separate computer, as presently claimed. Therefore, the proposed combination does not include all of the claimed limitations and the rejections should be withdrawn.

Regarding claims 78 and 83, the database 12 of Bro cannot be similar to both the claimed remotely located computer and the claimed CD-ROM drive at the same time. Therefore, Bro does not teach at least one of the claimed remotely located computer or the claimed CD-ROM drive. The other references do not cure this deficiency. Therefore, the proposed combination does not include

all of the claimed limitations and the rejections should be withdrawn.

Regarding claims 97, 101, 105, 109 and 113, the database 12 of Bro is not a slot for accepting a flash memory card as alleged in the Office Action. Therefore, *prima facie* obviousness has not been established and the rejections should be withdrawn.

Regarding claims 99, 103, 107, 111 and 115, the cited text and the rest of Bro appear to be silent regarding software routines that trigger an alarm **if the blood glucose level falls outside a predetermined range** as alleged in the Office Action. The other references do not cure this deficiency. Therefore, the proposed combination does not include all of the claimed limitations and the rejections should be withdrawn.

Regarding claims 116-120, the reminder taught by Bro does not appear to teach any operation **based on comparing the blood glucose level as measured with stored measurements** as alleged in the Office Action. The other references do not cure this deficiency. Therefore, the proposed combination does not include all of the claimed limitations and the rejections should be withdrawn.

Regarding claim 122, no arguments are present in the Office Action where the references allegedly teach that the physiological data monitor and the input device are in a third

housing separate from the first housing containing the processor.

As such, the rejection of claim 122 should be withdrawn.

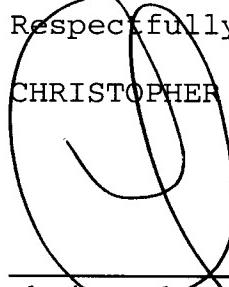
Claims 50, 52, 55-61, 64, 65, 68-74, 76-79, 82-84, 96-115 and 116-122 depend, either directly or indirectly, from claims 48, 51, 62, 75 or 81, which are now believed to be allowable. As such, the dependent claims are fully patentable over the cited references and the rejections should be withdrawn.

**COMPLETENESS/FINALITY OF THE OFFICE ACTION**

Aside from a notice of allowance, Applicants' representative respectfully requests any further action on the merits be presented as a new action. No arguments were presented for at least claim 122 as required by 37 CFR §1.104(b) and MPEP §706.07. As such, the current Office Action is incomplete and prosecution should remain open until all of the claims have been addresses.

Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicants' representative at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

Respectfully submitted,  
CHRISTOPHER P. MAIORANA, P.C.  
  
Christopher P. Maiorana  
Registration No. 42,829

Dated: May 28, 2010

c/o Sandeep Jaggi  
Health Hero Network

Docket No.: 03-0940/ 7553.00038